

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05-CR-00390-RJC

USA

v.

ERIC JAMES ALEXANDER (6)

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant pro se for appointment of counsel and for a reduction of sentence based on the First Step Act of 2018. (Doc. No. 543).

The defendant pled guilty to conspiring to possess with intent to distribute 50 grams or more of cocaine base and 5 kilograms or more of cocaine (Count One), admitting that more than 50, but fewer than 150, grams of cocaine base and more than 50, but fewer than 150, kilograms of cocaine was reasonably foreseeable to him. (Doc. No. 150: Plea Agreement at 2). Combined with his prior drug trafficking conviction, (Doc. No. 34: 21 U.S.C. § 851 Notice; Doc. No. 218: Modification of § 851 Notice), the statutory range of punishment was 240 months to life imprisonment. (Doc. No. 511: Presentence Report Supplement at 1). At the sentencing hearing, the Court found the defendant to be a Career Offender and sentenced him to 240 months on Count One, below the advisory range. (Doc. No. 226: Judgment at 2).

Under the First Step Act, the Court has discretion to impose a reduced sentence as if the Fair Sentencing Act of 2010 had been in place at the time of the original offense was committed. First Step Act of 2018, Pub. L. 115-135, § 404

(2018). Here, the defendant's admitted drug quantity of more than 5 kilograms of cocaine, combined with his prior drug trafficking conviction, would still be punishable by 240 months to life imprisonment. 21 U.S.C. § 841(b)(1)(A) (2010). Accordingly, the defendant does not qualify for a sentence reduction under the First Step Act.

**IT IS, THEREFORE, ORDERED** that the defendant's motion, (Doc. No. 543), is **DENIED**.

The Clerk is directed to certify copies of this Order to the defendant, the Federal Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: September 4, 2019



Robert J. Conrad, Jr.  
United States District Judge

